

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)		
	)	CHAPTER:	13
DAINON TARQUINIUS SIDNEY	)	CASE NO.:	10-01333
SSN: XXX-XX-7845	)	JUDGE:	HARRISON
605 LAKEMEADE POINT	)		
OLD HICKORY, TN 37138	)		
	)		
Debtor.	)		

**AGREED ORDER GRANTING DEBTOR'S MOTION  
TO MODIFY PLAN TO SURRENDER COLLATERAL**

THIS MATTER IS BEFORE THE COURT upon the Trustee's objection to the Debtor's Motion to Modify Plan, preset for hearing on April 11, 2011. By agreement of the parties, the motion shall be granted, with changes to resolve the objection, as follows:

1. The Debtor shall surrender the real property located at 605 Lakemeade Pt., Old Hickory, TN 37138 securing the claim of Onewest Bank and SunTrust Bank and real property located at 169 Brandon Ridge Cour, Riverdale, GA 30274 securing the claim of Chase Manhattan Mortgage.
2. The Debtor does not anticipate a deficiency balance on the secured claim of Onewest Bank, SunTrust Bank or Chase Manhattan Mortgage.
3. The Debtor's Confirmation Order shall be modified to temporarily suspend the monthly payments required under 11 U.S.C. §1325(a)(5) until Onewest Bank, SunTrust Bank and Chase Manhattan Mortgage file amended proofs of claims after disposing of the collateral and reducing said claim by the amount of the net proceeds.
4. Payments on the arrearage claims of Onewest Bank, SunTrust Bank and Chase Manhattan Mortgage shall be terminated and Onewest Bank, SunTrust Bank and Chase Manhattan Mortgage shall be limited to one hundred and eighty (180) days from the entry of this Order in which to file an amended claim.

5. Should amended claims not be filed, the claims shall be deemed to have been satisfied by the surrender of the collateral and no other payments shall be made on the claims.

6. Should amended claims be timely filed, the claim shall be paid with zero percent (0%) interest as per *In Re: Nolan* and the Debtor shall further modify his plan to provide for a monthly payment on said claims.

7. Onewest Bank, SunTrust Bank and Chase Manhattan Mortgage shall be granted relief from the automatic stay with respect to the real property.

8. The Debtor's direct plan payment shall terminate and a new payroll deduction shall issue for \$1,572.48 monthly. The plan base shall be decreased from \$420,736.00 to \$151,242.00 over a plan length of approximately sixty (60) months from confirmation.

9. The dividend to general unsecured creditors shall remain at eleven percent (11%). No other terms of the confirmation order shall be affected by this modification.

IT IS SO ORDERED.

*THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED  
AT THE TOP OF THE FIRST PAGE.*

APPROVED FOR ENTRY:

/s/ Mary Beth Ausbrooks  
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